IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19958 of 2004

Between:

C. Haranathaiah, S/o. Seshaiah,
Laddu Counter, Tirumala Tirupathi Devasthanams, Tirumala, Chittoor District.

..... PETITIONER

AND

Tirumala Tirupathi Devasthanams rep. by its Executive Officer, TTD Devathanams, Tirupathi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any writ order or direction particularly one in the nature of mandamus declaring the proceedings No.ROC.DA1/1520/02 dt. 07.04.2004 of the respondent herein imposing the penalty of stoppage of one increment without cumulative effect as arbitrary, illegal, unconstitutional, violative of principles of natural justice and by nullifying the same direct the respondent to restore the with held benefits of the increment with a further direction to consider petitioner's case for promotion as Assistant Executive Officer with retrospective effect i.e., the day on which it was deferred with all consequential and attendant benefits.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondent : MR.P.SURESH REDDY.

The Court made the following :

ORDER:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner, who is an employee of the respondent herein, seeks to issue a writ of mandamus declaring the proceedings No.Roc.DA1/1520/02 dated 07-04-2004 of the respondent for stoppage of one increment without cumulative effect, as arbitrary

and illegal.

The impugned order itself stated that an appeal against such an order lies to the Board of Trustees of the respondent as contemplated under Section 120(1) of the Act 30/87.

In view of such an alternative and appellate remedy available to the petitioner, I do not find any justifiable grounds to entertain this writ petition under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to file an appeal within a period of four weeks from today and on filing of which, the appellate authority shall dispose of the same without raising any plea of limitation and pass appropriate orders in accordance with law after giving notice and opportunity to both parties. No costs.

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04-02-2005

To

1. Tirumala Tirupathi Devasthanams rep. by its Executive Officer, TTD Devathanams, Tirupathi.

2. Two C.D. copies.

3. The Board of Trustees, TTD, Tirupathi.

sj